

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ROBERT CHARLES TEMPLETON,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:23-cv-78-JDK-JDL
	§	
GREGG COUNTY SHERIFF'S OFFICE,	§	
et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Robert Charles Templeton, an inmate of the Gregg County Jail proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 without paying the filing fee. The case was referred to United States Magistrate Judge John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On May 26, 2023, Judge Love issued a Report recommending that this lawsuit be dismissed without prejudice for failure to prosecute and to comply with the Court's Orders. Docket No. 5. A copy of this Report was mailed to Plaintiff, who did not file written objections to the Report.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

*Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 5) as the findings of this Court. This case is **DISMISSED** without prejudice for failure to prosecute and failure to comply with the Court's orders. Because Plaintiff's complaint includes events dating to August 2021, the statute of limitations in this case is suspended for ninety days from the entry of judgment. *See Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021) (explaining that "[w]here further litigation of [a] claim will be time-barred, a dismissal without prejudice is no less severe a sanction than a dismissal with prejudice, and the same standard of review is used"). All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **5th** day of **July, 2023**.

  
JEREMY D. KERNODLE